IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 2373 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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BHAVNABEN D/O JASUBHAI PATEL

Versus

NARENDRA K PATEL

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Appearance:

1. Misc.Civil Application No. 2373 of 1999

MR HM PARIKH for Petitioner No. 1

SERVED BY AFFIX.-(R) for Respondent No. 1

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CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 12/07/2001

ORAL JUDGEMENT

Heard Mr. H.M.Parikh learned advocate for the petitioner. Respondent absent though duly served.

2. The petitioner has prayed for a transfer of

pending proceedings of Hindu Marriage Petition No. 199 of 1993 from the Court of learned Extra Assistant Judge, Baroda to the Court of learned District Judge, Nadiad on the ground that the petitioner is a resident of village Kesra, Taluka - Mahemadavad, District - Kheda. It is submitted on behalf of petitioner that petitioner being a woman has to attend the Court on everyday at Baroda which is not only causing hardships, but she has apprehension about her safety and time and again, she has to travel alone, unnecessarily.

3. It is pertinent to note that marriage between the parties having taken place within the territorial limit of District - Kheda, the District Court, Kheda at Nadiad has also the jurisdiction to try and decide the said Hindu Marriage Petition. The respondent has not appeared to resist the application and in view of the observations made by this Hon'ble Court in the matter of Shilpa Hargovinddas Patel Vs. Dr.Vishnubhai Chaturbhai reported vide 1999 (3) GLR 2438, application is allowed.

4. The Court of learned Extra Assistant Judge, Baroda is directed to transmit the Record and Proceedings of Hindu Marriage Petition No. 1999 of 1993 to the Court of District Judge, Nadiad, District - Kheda forthwith. Rule to that extent is made absolute.

(A.K.Trivedi,J.)
(vipul)